

**54-18-301 Notice of intent to file -- Content -- Prefiling procedures.**

- (1) If a public utility conducts any field work in preparation of establishing a target study area before a notice of intent is filed in accordance with Subsection (2)(a), the public utility shall first notify the local land use authority of the public utility's work.
- (2)
  - (a) At least 90 days before the day on which a public utility files a land use application in a city or county that requires a permit for the construction of a high voltage power line or an upgraded high voltage power line, the public utility shall submit a notice of intent to the land use authority of each affected entity.
  - (b) The notice of intent described in Subsection (2)(a) shall include:
    - (i) the name and mailing address of the public utility, including:
      - (A) the name of a contact person; and
      - (B) an address and telephone number for the contact person;
    - (ii) the purpose and need for the high voltage power line;
    - (iii) a map showing the target study area;
    - (iv) a description of environmentally sensitive areas in the target study area;
    - (v) the timing of construction; and
    - (vi) a list of affected entities.
  - (c) The land use authority of an affected entity may provide written comments to the public utility within 30 days after the day on which the notice of intent is mailed under Subsection (2)(a).
- (3) At least 60 days before filing a conditional use permit application with a local land use authority, the public utility shall send a notice to:
  - (a) an affected entity;
  - (b) the land use authority of an affected entity; and
  - (c) an affected landowner.
- (4) The notice required under Subsection (3) shall include:
  - (a) the name and mailing address of the public utility, including:
    - (i) the name of a contact person; and
    - (ii) an address and telephone number for the contact person;
  - (b) a description of the proposed corridor, including:
    - (i) location maps of:
      - (A) the target study area; and
      - (B) the public utility's proposed corridor within the target study area;
    - (ii) the width of the proposed route needed for the high voltage power line;
    - (iii) a description of the website described in Subsection (6); and
    - (iv) an explanation of:
      - (A) the land use application process;
      - (B) how an affected landowner may participate in a land use authority's land use application process; and
      - (C) the rights of an affected land owner under Title 78B, Chapter 6, Part 5, Eminent Domain.
- (5)
  - (a) For purposes of Subsection (3), a county, at the public utility's request, shall provide a certified list of the most recent county tax records showing all affected landowners within 30 days after the day on which the public utility submits the request.
  - (b) A public utility may not be required to restart the notification process if:
    - (i) the county information provided under Subsection (5)(a) is insufficient or incorrect; and
    - (ii) the public utility fails to send an affected landowner a notice of intent based on the insufficient or incorrect information.

- (6) Within one week of filing the notice of intent with a land use authority in accordance with Subsection (2), the public utility shall:
- (a)
    - (i) create and update a website to dispense information about the proposed high voltage power line; and
    - (ii) on the website:
      - (A) designate a public utility point of contact; and
      - (B) explain how the public utility will respond to requests for information from the public and public officials; and
  - (b)
    - (i) publish a public notice in a daily or weekly newspaper of general circulation at least once per week for two weeks in each county where the target study area is located disclosing that the public utility has filed a notice of intent with an affected entity; and
    - (ii) describe in the public notice:
      - (A) the proposed high voltage power line, including a map of the target study area; and
      - (B) how readers may obtain more information from the website or locations listed in Subsection (3).

Enacted by Chapter 316, 2009 General Session